

A<sup>o</sup> 1865



N<sup>o</sup> 12.

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TRANSLATION.

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## NOTIFICATION

*containing stipulations of punishment for the non-performance of obligations, in case of hire of service.*

### THE GOVERNOR of Curaçao and Dependencies.

Considering that complaints have been made, that those, who have hired out their services, do not comply with their obligations, and that the stipulations of civil law on the hire of labor, principally, on account of the common state of indigence of the laborers and servants, are found to be insufficient there against;

— that to provide in that insufficiency, it is deemed necessary to enact, — save the rules of civil law — stipulations of punishment against those, who are unwilling to comply with their obligations in case of hire of service.

Heard the Colonial Council,

Maketh known :

#### Art. 1.

Servants, who according to legal proof, have engaged their services, but who, without legal reason, do not enter into service on the fixed time, or who, whilst being in service, quit the same without previous warning and indebted to the hirer of their service on account of advance in money or other allowances, or who are negligent or unwilling to perform the service, to which they have engaged themselves, shall on complaint of the hirer of their service, be reprimanded and intimated by the District-Commissary to perform their service, after the complaint has been found grounded by him, and the servant not having placed himself, according to the following article, in the impossibility of complying with his obligations.

In case of refusal, and also of repetition of one of the above men-

tioned cases, the neglectful party shall be punished with imprisonment of at least one and not exceeding three days, save the consequences of civil law.

The term of warning for the hirer as well as for the servant is as follows :

If the hire has been contracted for one month or longer, *one month* before.

If the hire has been contracted for one week, *one week* before.

If the hire has been contracted for a whole work, no warning can take place then according to the rules of general law.

By the denomination of *servant* in this regulation, is to be understood, he who engages his service to another, either as house-servant, field-laborer, overseer, surveyor, tradesman, porters, washer-woman, nurse, sailors of coasters, boatmen, and such like.

#### Art. 2.

With imprisonment of at least 3 and not exceeding 8 days shall be punished those, who for the same time, have made more than one agreement, and find themselves on account thereof, in the impossibility of performing one of the services, to which they have engaged themselves.

#### Art. 3.

With a fine of  $\text{f}8$  — shall be punished he, who takes or keeps in his service a servant at or for the period, which he knew, that such a servant, in consequence of a legal agreement, was engaged to another; save the right of indemnification of the former hirer, either for advance made to his servant, or for other allowances, or for any other injury or damage, sustained by him on account of the illegal deed of the second hirer.

#### Art. 4.

As legal proof of contract and of release of service shall be considered, besides every other legal proof, a verbal or written declaration of both parties to the District-Commissary of the district, in which the hirer of service resides. The District-Commissary keeps annotation thereof in a register, stating the conditions on which the agreement has been entered into, or the alleged reason of the dismissal. He delivers a written certificate thereof to the parties.

#### Art. 5.

He, who dismisses a servant, either in the course of the service, or after it has elapsed, is bound, on forfeiture of a fine of  $\text{f}3$ . — to deliver to the servant a certificate, stating how the general behaviour of the servant has been during his service; however, without the hirer being qualified, to use calomny and invectives against the servant, as testimony of his conduct.

The hirer of service may solicit either verbally or by writing the interference of the District-Commissary for the delivering of the certificate.

In this case, this functionary does not deliver the certificate, but

after having heard the servant, and with summary statement in the certificate of the refutation of the servant.

Art. 6.

In case the hirer of service refuses to deliver to the servant, the certificate, alluded to in the preceding article, or when he is unwilling to solicit the interference of the District-Commissary, the servant may obtain it from the District-Commissary of the district, in which the hirer resides.

In this case, the District-Commissary, after having heard the hirer, delivers ex officio such certificate, as may prove to him to be according to truth. He applies for that purpose to the hirer, or solicits the necessary explanations in writing.

Art. 7.

The servant, holder of such certificate, alluded to in the two preceding articles, is bound on a penalty of 3 days imprisonment to exhibit the same to the new hirer. To prevent the loss of the received certificate, the servant is qualified to deposit it in hands of the District-Commissary, who keeps annotation thereof, and delivers immediately a copy at the request of the interested party.

Art. 8.

All written declarations and certificates, the annotations in the registers of the District-Commissary, all extracts or copies of documents and other writs concerning the subject, mentioned in this notification, are free of expenses.

Art. 9.

By the stipulations of this ordinance, no infringement is made on the civil law-suit to which parties may think to have a right, according to the Royal Decree of 16th January 1863 No. 116 (P. B. No. 17) or according to other legal regulations, neither on the criminal law suit, on account of falsity or falsification of delivered certificates or declarations, for as much reason thereto might exist.

The stipulation of art. 3 of the just mentioned Royal decree is also available for want of other proof, with regard to this notification, save counter-proof.

And shall these presents be published in the usual manner at Curaçao and inserted in the Publication-book.

Done at Curaçao the 31 of May 1865.

(sigd.) J. D. CROL.

The Colonial Secretary,

(sigd.) J. H. BEAUJON.

Published at Curaçao from the Court-house and in Williamstown  
dd. ut supra.

The Colonial Secretary.

(sigd.) J. H. BEAUJON.

Translated by me,

Sworn Translator,

G. W. F. HELLMUND.

